

FILED
UNDER
SEAL

Prob12C
D/NV Form
Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: Steven Frazier

Case Number: 2:17CR00271

Name of Sentencing Judicial Officer: Honorable Daniel L. Hovland

Date of Original Sentence: September 24, 2015

Original Offense: Conspiracy to Distribute and Possess with Intent to Distribute Heroin

Original Sentence: 366 Days prison, followed by 36 Months TSR.

Date Supervision Commenced: November 12, 2016

Date Jurisdiction Transferred to District of Nevada: August 23, 2017

Name of Assigned Judicial Officer: Honorable Richard F. Boulware

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Do Not Commit Another Crime:** You must not commit another federal, state or local crime.

On April 13, 2018, Frazier committed the offense of Battery Constituting Domestic Violence, in violation of N.R.S. 200.481 and 200.485.

On the above referenced date, at approximately 2:00 a.m., Las Vegas Metropolitan Police Department (LVMPD) officers responded Sierra Gold located at the intersection of N. Buffalo and Smoke Ranch in reference to a battery domestic violence. A female, subsequently

RE: Steven Frazier

Prob12C
D/NV Form
Rev. March 2017

identified as Brittney Ewing, Frazier's long-term girlfriend, went into the business and reported she had been involved in a domestic disturbance.

As reported by Ms. Ewing, as well as information received from LVMPD, Ms. Ewing stated that Frazier became upset following a discussion about their finances while drinking and gambling at the Rampart Casino. According to Ms. Ewing, the offender stated that he "did not like talking about bills and just wanted to drink and gamble." Ms. Ewing reported that they left the casino and drove home together. Ms. Ewing indicated that once they arrived at home, the offender began making verbal threats of harm to her saying, "to get out of his face, "I'm going to choke you out," "I'm going to take the baby," and "I'm going to break your jaw." Frazier told her to leave the house and then began physically assaulting her inside their home. Ms. Ewing reported that Frazier choked her, threw her to the ground, and stepped on her head and back. Frazier dragged her from inside to the outside of the house and threw her onto the concrete walkway (in the front of the house), then into the bushes and rock garden alongside the perimeter of the front side of the house.

As a result from the strangulation and battery, Ms. Ewing sustained bruising, abrasions, and puncture wounds to her face, arms, legs, and buttocks.

2. The defendant shall totally abstain from the use of alcohol and illegal drugs.

- A. According to the victim's statement on April 13, 2018, the offender was consuming alcohol at the Rampart Casino on the evening of April 12, 2018, into the early morning hours of April 13, 2018.
- B. On April 18, 2018, the undersigned reviewed video footage at the Rampart Casino wherein Frazier was captured on video surveillance consuming beer during the afternoon of April 13, 2018.
- C. On June 29, 2017, Frazier registered a Breath Alcohol Content (BAC) of .02% and .014%. On June 30, 2017, Frazier reported to the probation office and admitted to Supervising U.S. Probation Officer Todd Fredlund that he was consuming alcohol at the Rampart Casino the evening prior to testing positive for alcohol on June 29.
- D. On November 21, 2017, during a home visit, Frazier registered a Breath Alcohol Content (BAC) of .065% and admitted to consuming brandy prior to Supervising U.S. Probation officer's arrival.
- E. On August 13, 2017, Frazier tested positive for marijuana.

RE: Steven Frazier

Prob12C
D/NV Form
Rev. March 2017

3. **You shall submit to drug/alcohol screening at the direction of the U.S. Probation Officer to verify compliance. Failure or refusal to submit to testing can result in mandatory revocation.**

Frazier failed to submit to drug and alcohol testing on the following dates:

September 16, 2017

February 12, 2018

March 10, 2018

4. **You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.**

On April 17, 2018, this undersigned questioned the offender on his whereabouts during the early morning hours of April 13, 2018. The undersigned asked the offender if he had visited the Rampart Casino, if he had consumed alcohol, or if he had been involved in a domestic violence incident with Ms. Ewing, to which the offender denied drinking alcohol or having a domestic incident with the victim. As alleged in allegation #1 and #2A, Frazier was consuming alcohol at the Rampart Casino during evening hours of April 12, 2018, and was involved in a domestic altercation with Ms. Ewing during the early morning hours of April 13, 2018. Frazier failed to answer this inquiry truthfully.

RE: Steven Frazier

Prob12C
D/NV Form
Rev. March 2017

U.S. Probation Officer Recommendation

The term of supervision should be:

☒ Revoked

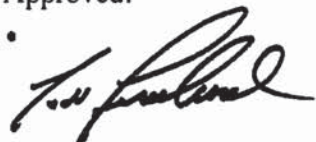
I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on April 24, 2018



Jessalyn McCormick
United States Probation Officer


Approved:

 Todd Fredlund
2018.04.26 15:29:16
-07'00'

Todd J. Fredlund
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
☒ The issuance of a warrant.
☐ The issuance of a summons.
☐ Other:



RICHARD F. BOULWARE, II
United States District Judge
May 2, 2018

Date

RE: Steven Frazier

Prob12C
D/NV Form
Rev. March 2017

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. STEVEN FRAZIER, 2:17CR00271**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
April 24, 2018**

By way of case history, on July 24, 2017, Frazier's conditions were modified by the Honorable Daniel L. Hovland, Chief U.S. District Judge for the District of North Dakota to include 20 hours of community service work. This modification was in response to Frazier violating his alcohol prohibition by registering a breath alcohol content (BAC) of .02% and .014% on June 29, 2017. Frazier admitted to consuming alcohol at the Rampart Casino the evening prior to this test. To date, Frazier has yet to provide documentation that he has completed community service work.

On September 19, 2017, a petition requesting a hearing to modify conditions of supervision to include home confinement with location monitoring was filed with this Court. It was alleged in the petition that Frazier violated his release conditions by consuming alcohol, testing positive for marijuana, and failing to report for drug/alcohol testing.

Pending resolution to the aforementioned petition, Frazier tested positive for alcohol again on November 21, 2017. Frazier was contacted at his apartment during the evening hours wherein an alcohol test was administered. Frazier registered a BAC of .065%. A second test was administered 15 minutes later which registered a BAC of .056%. Frazier admitted to consuming Brandy prior to this officer's arrival and retrieved an empty bottle from the trash can. Frazier justified his alcohol consumption by stating he needs alcohol to help him sleep and doesn't understand why the Court imposed a no alcohol condition. An addendum to the petition filed September 2017, was filed with this Court on November 2017 to reflect the additional violation.

On November 30, 2017, Frazier appeared before Your Honor for a modification hearing wherein his conditions were modified to include alcohol monitoring via Soberlink for 60 days and a curfew to be monitored via GPS until January 9, 2018. While being monitored via Soberlink Frazier submitted several late tests and one test that registered a BAC of .25%. Frazier represented the positive alcohol reading was the result of his use of mouth wash. A subsequent test administered 17 minutes later was negative, thus his explanation as to the source of alcohol is plausible; However, considering his history of alcohol abuse, there is reasons to believe he may have imbibed a minimal amount of alcohol prior to the submission of the test.

On February 2, 2018, Frazier appeared before Your Honor for a status hearing. It was reported to the Court that Frazier was doing well, maintaining full-time employment, and was fully compliant with his Court imposed curfew. Your Honor removed the curfew requirement and continued Frazier on Soberlink until he satisfied the 60 days originally ordered. Frazier was able to successfully complete Soberlink. Moreover, the Court provided an incentive to Frazier that if maintains compliance Your Honor would terminate supervision at the end of the year.

RE: Steven Frazier

Prob12C
D/NV Form
Rev. March 2017

Unfortunately, since his removal from Soberlink Frazier's compliance has deteriorated. Frazier has returned to consuming alcohol and once again battered his long-term girlfriend. In addition, Frazier was terminated from his employment for falsifying his time card. Frazier remains unemployed.

As previously reported to the Court, Frazier and his long-term girlfriend, Brittany Ewing, have a volatile relationship where she has been the victim of domestic abuse by Frazier on multiple occasions. Based on the offender's history of alcohol abuse, one can surmise that alcohol fuels violence in this relationship. Ewing was drinking with the offender prior to the battery that occurred on April 13, 2018.

In September 2016, while Frazier was residing in the Residential Reentry Center under the care of the Bureau of Prisons, he battered Ewing when he was out of the facility on a community pass. Frazier subsequently pled guilty to Battery on October 2, 2017, wherein he was sentenced to a suspended jail term of 179 days and an order to stay out of trouble for one year. Frazier also incurred two violations for alcohol use while at the RRC. It is also noted at time of sentencing in this matter Frazier had felony sexual assault and kidnapping charge pending for an assault that occurred on July 13, 2014, with Ewing being the victim. While serving his federal sentence in this matter, on January 13, 2016, Frazier entered a plea in absentia to the misdemeanor offenses of Battery and Coercion. Frazier was sentenced to a total of 18 months custody, concurrent to his federal sentence. In addition to these convictions, Frazier has sustained convictions for Battery (two separate convictions), Battery with Substantial Bodily Harm, Driving Under the Influence, Assault, Malicious Destruction of Property, and two drug offenses. In addition, he has sustained multiple arrests for Battery that did not result in a conviction.

In an effort to assist Frazier he was enrolled in outpatient substance abuse counseling and Moral Recognition Therapy (MRT) groups. Moral Recognition Therapy is a cognitive based program designed to enhance moral reasoning to help offenders learn to take personal accountability and help change criminogenic thinking patterns which often lead to re-arrest. Frazier successfully completed MRT and substance abuse treatment in March 2017. He was referred again for a second episode of substance abuse treatment and MRT in response to his continued use of alcohol and marijuana. Frazier was subsequently discharged from treatment services on March 29, 2018, because he had reached his therapeutic maximum and would no longer benefit from treatment services. It is important to note that this undersigned spoke with his MRT counselor who reported that the offender struggled with time management, had a history of no shows, being late to group and being ill prepared for his group presentations. And prior to his discharge from substance abuse treatment, his counselor noted to the undersigned on March 20, 2018, that he continues to present anti-social behaviors and is no longer amenable to treatment.

Frazier has a history of minimizing his consumption with the U.S. Probation Office. Frazier's dismissiveness is telling of his unwillingness to change his behavior. Frazier's disengagement with treatment services coupled with his lying to the undersigned on April 17, 2018, surrounding his alcohol use and battery against the mother of his child, illustrates his disregard for following the terms of his supervised release. The U.S. Probation Office is unable to effectively supervise Frazier because he continues to be high risk and commit further crimes that jeopardize the safety of the

RE: Steven Frazier

Prob12C
D/NV Form
Rev. March 2017

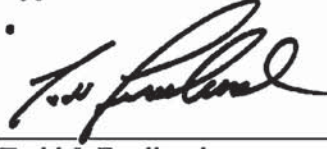
community. On April 17, 2018, when this undersigned questioned the offender of his whereabouts on both dates: April 12, 2018, and April 13, 2018 the offender lied about drinking at the Rampart Casino and lied about battering Ms. Ewing. He denied the fact that he was day drinking at the casino on April 12, 2018, precipitating the domestic violence incident which occurred during the early morning of April 13, 2018. The victim's statement was corroborated because the undersigned and her Supervisor were able to visually inspect surveillance footage obtained from the Rampart Casino security director. Video surveillance shows Frazier consuming beers from a bucket at the Rampart Casino during the afternoon hours on April 13, 2018. Frazier continued to deny consuming alcohol on April 13, even after being confronted with video evidence.

As Your Honor is aware, Frazier has established a lengthy history of non-compliance since he commenced supervised release in the District of Nevada on November 12, 2016. He continues to violate the conditions of his release by regularly consuming alcohol and battering his long-time girlfriend with whom they share a child in common. The U.S. Probation Office has exhausted all means and strategies to control and correct Frazier's non-compliant behavior. The offender continues to demonstrate that he is not amenable to following the rules and regulations of his supervised release; and has failed to embrace the assistance of treatment referral services in making meaningful, lasting, pro-social lifestyle change. It is for all these reasons that the U.S. Probation Office is respectfully requesting that the Court issue a warrant for his arrest to initiate revocation proceedings.

Respectfully submitted,


Jessalyn McCormick
United States Probation Officer

Approved:

•  Todd Fredlund
2018.04.26
15:31:09 -07'00'
Todd J. Fredlund
Supervisory United States Probation Officer